

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS A. BOJO,

Defendant.

Case No. 1:24-po-00062-SAB

ORDER RE TRIAL READINESS
CONFERENCE

ORDER STRIKING DEFENDANTS'
OPPOSITIONS TO THE GOVERNMENT'S
MOTIONS IN LIMINE

ORDER RE: MOTIONS IN LIMINE

(ECF Nos. 23, 24, 35, 36)

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVELIA GILVILLABOS,

Defendant.

The Court held a trial confirmation hearing in this matter on May 15, 2025. (ECF No. 38.) Chan Hee Chu appeared on behalf of the Government and Marc Pelta appeared via videoconference on behalf of Defendants Thomas Bojo and Evelia Gilvillabos.

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A. MOTIONS IN LIMINE

1. Defendants' Untimely Oppositions

On March 21, 2025, the Government filed two motions in limine. (ECF Nos. 23, 24) Defendants, then proceeding *pro se*, did not file oppositions to the Government's motions prior to the original trial date. On March 28, 2025, the Court granted Defendants' motion to continue the trial to afford newly retained counsel time to review discovery in this matter. At that time, the Court set the following amended briefing schedule for motions in limine: Motions were due on April 24, 2025; oppositions, if any, were due on May 8, 2025; and replies, if any, were due on May 12, 2025. The motions were to be heard at the trial confirmation hearing on May 15, 2025. The Court provided the briefing schedule on the record on March 28, 2025, and memorialized the same via a written order issued on March 31, 2025. (ECF Nos. 31, 34.)

No additional motions in limine were filed by either party by the April 24, 2025 deadline. No oppositions were filed by the May 8, 2025 deadline. On the morning of the May 15, 2025 motion in limine hearing, however, Defendants filed oppositions to each of the Government's motions. (ECF Nos. 35, 36.) Defendant's untimely oppositions shall be stricken.

Although the Government's motions in limine are deemed unopposed, the Court exercises its independent duty to consider the merits of each motion as follows.

2. Government's Motion in Limine No. 1

For the reasons stated on the record on May 15, 2025, the Court DEFERS ruling on the Government's motion in limine to exclude any argument or evidence regarding a First Amendment defense until the appropriate time at trial.

3. Government's Motion in Limine No. 2

For the reasons stated on the record on May 15, 2025, the Government's motion to exclude the Defendants from offering irrelevant evidence is DENIED without prejudice to being renewed at trial. Relevant evidence is subject to the parties laying proper foundation at trial and other evidentiary objections.

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B. TRIAL BRIEFS

Should either party elect to file an optional trial brief, **the filing deadline is May 29, 2025 by 5:00 p.m.**¹ Trial briefs that are not filed by the deadline will be disregarded.

Special attention shall be given in the trial brief to address reasonably anticipated disputes concerning the substantive law, jury instructions and/or admissibility of evidence. The parties need not include in the trial brief any issue that is adequately addressed in a motion in limine.


C. Order

Accordingly, for the reasons discussed above and stated on the record on May 15, 2025, IT IS HEREBY ORDERED that:

1. Defendants' untimely oppositions to the Government's motions in limine (ECF Nos. 35, 36) are STRICKEN;
2. The Court DEFERS ruling on the Government's Motion in Limine No. 1 (ECF No. 23);
3. The Government's Motion in Limine No. 2 (ECF No. 24) is DENIED without prejudice;
4. Optional trial briefs SHALL be filed no later than **May 29, 2025 at 5:00 p.m.**; and
5. Trial is set in this matter for **June 3, 2025 at 9:30 a.m.** Counsel and Defendants are ORDERED to appear in person.

IT IS SO ORDERED.

Dated: **May 16, 2025**


STANLEY A. BOONE
United States Magistrate Judge

¹ The Court notes the Government filed a trial brief on March 21, 2025. (ECF No. 22.) With the exception of Section VII.B. ("Defendants are Proceeding to Trial Pro Se"), the Court will consider the Government's trial brief as submitted. The Government is not precluded from filing an amended trial brief by the May 29, 2025 deadline.